

EXHIBIT B
DEFENDANT'S PROPOSED SCHEDULE

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

WSOU INVESTMENTS LLC,

Plaintiff,

v.

MICROSOFT CORPORATION,

Defendant.

CIVIL ACTION 6:20-cv-00454-ADA
CIVIL ACTION 6:20-cv-00455-ADA
CIVIL ACTION 6:20-cv-00456-ADA
CIVIL ACTION 6:20-cv-00457-ADA
CIVIL ACTION 6:20-cv-00458-ADA
CIVIL ACTION 6:20-cv-00459-ADA
CIVIL ACTION 6:20-cv-00460-ADA
CIVIL ACTION 6:20-cv-00461-ADA
CIVIL ACTION 6:20-cv-00462-ADA
CIVIL ACTION 6:20-cv-00463-ADA
CIVIL ACTION 6:20-cv-00464-ADA
CIVIL ACTION 6:20-cv-00465-ADA

Jury Trial Requested

SCHEDULING ORDER

The Parties are in agreement that the following pre-trial groupings for the 12 cases filed by Plaintiff WSOU Investments LLC (“Plaintiff”) against Defendant Microsoft Corporation (“Microsoft”) will aid in the organization, efficiency and ultimate resolution of these cases and propose that they be adopted for pre-trial case management purposes as appropriate:

Group 1 (cases filed against Xbox and Xbox Live)

6-20-cv-00455
6-20-cv-00457

Group 2 (cases filed against Hololens)

6-20-cv-00459
6-20-cv-00463

Group 3 (cases filed against Skype Consumer and Business)

6-20-cv-00456
6-20-cv-00458
6-20-cv-00460
6-20-cv-00462
6-20-cv-00464

Group 4 (cases filed against Azure Networking)

6-20-cv-00454
6-20-cv-00465

Group 5 (case filed against Windows Server)
6-20-cv-00461

Under the proposed schedules below, the 12 cases will proceed in parallel through the *Markman* hearing and thereafter lead to a succession of spaced trial dates. Individual case schedules will be provided for each of the 12 cases if the Court desires.

Deadline	Item
9/18/20	Initial Case Management Conference.
10/2/20	Deadline for Motions to Transfer
11/6/20	<p>Defendant serves preliminary invalidity contentions in the form of (1) a chart setting forth where in the prior art references each element of the asserted claim(s) are found, (2) an identification of any limitations the Defendant contends are indefinite or lack written description under section 112, and (3) an identification of any claims the Defendant contends are directed to ineligible subject matter under section 101.</p> <p>Defendant shall also produce (1) all prior art referenced in the invalidity contentions, (2) technical documents, including software where applicable, sufficient to show the operation of the accused product(s), and (3) summary, annual sales information for the accused product(s) for the two years preceding the filing of the Complaint, unless the parties agree to some other timeframe.</p>
11/20/20	Parties exchange claim terms for construction in each bucket of cases.
12/4/20	Parties exchange proposed claim constructions.
12/11/20	Parties disclose extrinsic evidence. The parties shall disclose any extrinsic evidence, including the identity of any expert witness they may rely upon in their opening brief with respect to claim construction or indefiniteness. With respect to any expert identified, the parties shall identify the scope of the

	topics for the witness's expected testimony. With respect to items of extrinsic evidence, the parties shall identify each such item by production number or produce a copy of any such item if not previously produced.
12/18/20	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.
1/8/21	Parties file Opening claim construction briefs, including any arguments that any claim terms are indefinite. Parties will work together to identify opportunities to consolidate briefing across patents within each bucket of cases, and seek approval on any agreed briefing consolidation.
1/22/21	The parties shall disclose the identity of any rebuttal expert witness they may rely upon in their response brief with respect to claim construction or indefiniteness. With respect to any expert identified, the parties shall identify the scope of the topics for the witness's expected testimony.
1/29/21	Parties file Responsive claim construction briefs.
2/12/21	Parties file Reply claim construction briefs.
2/19/21	Parties submit Joint Claim Construction Statement for each bucket of cases. See General Issues Note #8 regarding providing copies of the briefing to the Court and the technical adviser (if appointed).
2/25/21	Parties submit optional technical tutorials to the Court and technical adviser (if appointed). ¹
3/4/21 and 3/5/21	Markman Hearing at 9:00 a.m. or 1:30 p.m. Court to hear Markman arguments on Groups 1 and 2 the morning of 3/4/21, Groups 4 and 5 the afternoon of 3/4/21, and Group 3 on 3/5/21.
3/8/21	Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).
4/16/21	Deadline to add parties.
Groups 1, 2: 4/9/21	Deadline to serve Final Infringement and Invalidity Contentions. After this date, leave of Court is required for any

¹ The parties should contact the law clerk to request a Box link so that the party can directly upload the file to the Court's Box account.

Groups 3, 4, 5: 4/30/21	amendment to Infringement or Invalidity contentions. This deadline does not relieve the Parties of their obligation to seasonably amend if new information is identified after initial contentions.
Groups 1, 2: 5/7/21 Group 3, 4, 5: 5/28/21	Deadline to amend pleadings. A motion is not required unless the amendment adds patents or patent claims. (Note: This includes amendments in response to a 12(c) motion.)
Group 2: 5/28/21 Group 1: 6/30/21 Group 3: 9/3/21 Groups 4, 5: 11/5/21	Deadline for the first of two meet and confers to discuss significantly narrowing the number of claims asserted and prior art references at issue. Unless the parties agree to the narrowing, they are ordered to contact the Court's Law Clerk to arrange a teleconference with the Court to resolve the disputed issues.
Group 2: 6/25/21 Group 1: 7/30/21 Group 3 ('550, '727, '868): 10/1/21 Group 3 ('519, '758): 10/29/21 Group 5: 12/3/21 Group 4 ('160): 1/7/22 Group 4 ('902): 2/4/22	Close of Fact Discovery.
Group 2: 7/2/21 Group 1: 8/6/21 Group 3 ('550, '727, '868): 10/8/21 Group 3 ('519, '758): 11/5/21 Group 5: 12/10/21 Group 4 ('160): 1/14/22	Opening Expert Reports.

Group 4 ('902): 2/11/22	
Group 2: 7/30/21 Group 1: 9/3/21 Group 3 ('550, '727, '868): 11/5/21 Group 3 ('519, '758): 12/3/21 Group 5: 1/7/22 Group 4 ('160): 2/11/22 Group 4 ('902): 3/11/22	Rebuttal Expert Reports.
Group 2: 8/20/21 Group 1: 9/24/21 Group 3 ('550, '727 '868): 11/24/21 Group 3 ('519, '758): 12/22/21 Group 5: 1/26/22 Group 4 ('160): 3/2/22 Group 4 ('902): 3/30/22	Close of Expert Discovery.
Group 2: 8/27/21 Group 1: 10/1/21 Group 3 ('550, '727, '868): 12/3/21 Group 3 ('519, '758): 12/31/21 Group 5: 2/4/22 Group 4 ('160): 3/11/22	Deadline for the second of two meet and confer to discuss narrowing the number of claims asserted and prior art references at issue to triable limits. To the extent it helps the parties determine these limits, the parties are encouraged to contact the Court's Law Clerk for an estimate of the amount of trial time anticipated per side. The parties shall file a Joint Report within 5 business days regarding the results of the meet and confer.

Group 4 ('902): 4/8/22	
Group 2: 9/3/21 Group 1: 10/8/21 Group 3 ('550, '727, '868): 12/10/21 Group 3 ('519, '758): 1/7/22 Group 5: 2/11/22 Group 4 ('160): 3/18/22 Group 4 ('902): 4/15/22	Dispositive motion deadline and <i>Daubert</i> motion deadline. See General Issues Notes #8 regarding providing copies of the briefing to the Court and the technical adviser (if appointed).
Group 2: 9/17/21 Group 1: 10/22/21 Group 3 ('550, '727, '868): 12/24/21 Group 3 ('519, '758): 1/21/22 Group 5: 2/25/22 Group 4 ('160): 4/1/22 Group 4 ('902): 4/29/22	Serve Pretrial Disclosures (jury instructions, exhibit lists, witness lists, discovery and deposition designations).
Group 2: 10/1/21 Group 1: 11/5/21 Group 3 ('550, '727, '868): 1/7/22 Group 3 ('519, '758): 2/4/22 Group 5: 3/11/22 Group 4 ('160): 4/15/22	Serve objections to pretrial disclosures/rebuttal disclosures.

Group 4 ('902): 5/13/22	
Group 2: 10/8/21 Group 1 ('988): 11/12/21 Group 1 ('978): 11/24/21 Group 3 ('550, '727, '868): 1/14/22 Group 3 ('519, '758): 2/11/22 Group 5: 3/18/22 Group 4 ('160): 4/22/22 Group 4 ('902): 5/20/22	Serve objections to rebuttal disclosures and File Motions <i>in limine</i>.
Group 2: 10/15/21 Group 1 ('988): 11/19/21 Group 1 ('978): 12/3/21 Group 3 ('550, '727, '868): 1/21/22 Group 3 ('519, '758): 2/18/22 Group 5: 3/25/22 Group 4 ('160): 4/29/22 Group 4 ('902): 5/27/22	File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, discovery and deposition designations); file oppositions to motions <i>in limine</i> .
Group 2: 10/26/21 Group 1 ('988): 11/30/21 Group 1 ('978): 12/14/21 Group 3 ('550, '727, '868): 1/28/22	File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Kristie Davis at kmdaviscsr@yahoo.com Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i> .

Group 3 ('519, '758): 2/25/22	
Group 5: 4/1/22	
Group 4 ('160): 5/6/22	
Group 4 ('902): 6/3/22	
TBD (3 business days before Final Pretrial Conference)	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> .
TBD	Final Pretrial Conference. The Court expects to set this date at the conclusion of the <i>Markman</i> Hearing.
TBD Group 2: est. 12/6/21, according to Court's schedule Group 1 ('988): est. 1/10/22, according to Court's schedule Group 1 ('978): est. 1/24/22, according to Court's schedule Group 3 ('550, '727, '868): est. 2/28/22 Group 3 ('519, '758): est. 3/28/22, according to Court's schedule Group 5: est. 5/2/22, according to Court's schedule Group 4 ('160): est. 6/6/22, according to Court's schedule	Jury Selection/Trial. The Court expects to set this date at the conclusion of the <i>Markman</i> Hearing.

Group 4 ('902): 7/5/22, according to Court's schedule	
--	--

SIGNED this _____ day of _____, 2020.

Alan D Albright
United States District Judge